

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Randy Scott Moody,

Plaintiff

V.

Marilynn Roberge Malerba,

Defendant:

Case No. 2:24-cv-02079-CDS-BNW

SCREENING ORDER

13 Before the court is pro se plaintiff's initiating document. ECF No. 1. The court screens
14 plaintiff's complaint as required by 28 U.S.C. § 1915(e)(2).

I. Analysis

In screening a complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A complaint is frivolous if it contains “claims whose factual contentions are clearly baseless,” such as “claims describing fantastic or delusional scenarios.” *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).

1 Here, even liberally construing plaintiff's allegations, the Court finds that plaintiff's
2 allegations describe fantastic and delusional scenarios and lack any meaningful facts to support
3 his legal conclusions. Thus, plaintiff fails to state a claim upon which relief can be granted. The
4 Court therefore will recommend dismissal of Plaintiff's complaint without prejudice for the
5 Plaintiff to file an amended complaint.

6 If Plaintiff chooses to file an amended complaint, the document must be titled "Amended
7 Complaint." The amended complaint must contain a short and plain statement describing the
8 underlying case, the defendant's involvement in the case, and the approximate dates of its
9 involvement. *See Fed. R. Civ. P. 8(a)(2)*. Although the Federal Rules of Civil Procedure adopt a
10 flexible pleading standard, Plaintiff still must give a defendant fair notice of the Plaintiff's claims
11 against it and Plaintiff's entitlement to relief.

12 The amended complaint also must contain a short and plain statement of the grounds for
13 the court's jurisdiction. *See Fed. R. Civ. P. 8(a)(1)*. Regarding jurisdiction, Plaintiff is advised
14 that "[f]ederal district courts are courts of limited jurisdiction, possessing only that power
15 authorized by Constitution and statute." *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024,
16 1027 (9th Cir. 2011) (quotation omitted). Federal district courts "have original jurisdiction of all
17 civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. §
18 1331. Federal district courts have original jurisdiction over civil actions in diversity cases "where
19 the matter in controversy exceeds the sum or value of \$75,000" and where the matter is between
20 "citizens of different States." 28 U.S.C. § 1332(a). "Section 1332 requires complete diversity of
21 citizenship; each of the plaintiffs must be a citizen of a different state than each of the
22 defendants." *Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001). Additionally,
23 Plaintiff is advised that if she files an amended complaint, the original complaint no longer serves
24 any function in this case. As such, the amended complaint must be complete in and of itself
25 without reference to prior pleadings or other documents. The Court cannot refer to a prior
26 pleading or other documents to make Plaintiff's amended complaint complete.

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1 **II. Conclusion**

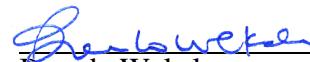
2 **IT IS THEREFORE ORDERED** that the complaint (ECF No. 1) is DISMISSED with
3 leave to amend.

4 **IT IS FURTHER ORDERED** that Plaintiff shall have thirty days from the date of this
5 order to file an amended complaint. Failure to file an amended complaint will result in a
6 recommendation that this case be dismissed.

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8 DATED: January 14, 2025.

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11 Brenda Weksler
12 United States Magistrate Judge

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